

Gary S. Lincenberg - State Bar No. 123058
glincenberg@birdmarella.com
BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
DROOKS, LINCENBERG & RHOW, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone: (310) 201-2100
Facsimile: (310) 201-2110

Attorneys for Defendant Stephen Keith
Chamberlain

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD LYNCH AND
STEPHEN KEITH CHAMBERLAIN

Defendants.

CASE NO. 3:18-cr-00577-CRB

**DECLARATION OF GARY S.
LINCENBERG IN SUPPORT OF
DEFENDANT STEPHEN
CHAMBERLAIN'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT
TO FEDERAL RULE OF CRIMINAL
PROCEDURE 17(c) AND LETTERS
ROGATORY PURSUANT TO 18 U.S.C. §**

—
Filed Concurrently with NOTICE OF
MOTION AND MOTION; MEMORANDUM
OF POINTS AND AUTHORITIES;
[PROPOSED] ORDER

Date: November 24, 2021

Time: 1:30 p.m.

Crtrm.: 6

Assigned to Hon. Charles R. Breyer

DECLARATION OF GARY S. LINCENBERG

I, Gary S. Lincenberg, declare as follows:

1. I am an active member of the Bar of the State of California and a Principal with Bird, Marella, Boxer, Wolpert, Nessim, Dooks, Lincenberg & Rhow, A Professional Corporation, attorneys of record for Defendant Stephen Keith Chamberlain in this action. I make this declaration in support of Declaration Of Gary S. Lincenberg In Support Of Defendant Stephen Chamberlain's Motion For Issuance Of Subpoenas Pursuant To Federal Rule Of Criminal Procedure 17(c) And Letters Rogatory Pursuant To 18 U.S.C § 1781. Except for those matters stated on information and belief, I make this declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

2. The basis for this request is detailed in the Memorandum in Support of Defendant's Motion for Issuance of Fed. Rule Crim. P. 17(c) Subpoenas and Letters Rogatory (hereinafter "Memorandum"). I attest that the statements made in the Memorandum are true and correct, except those matters stated on information and belief, and to those matters I believe them to be true.

3. Attached hereto are true and correct copies of the below-listed documents:

- Exhibit 1: Hafeez Bux Daud Khan Subpoena
- Exhibit 2: Hafeez Bux Daud Khan Letter Rogatory
- Exhibit 3: JP Morgan Chase Bank, N.A Subpoena
- Exhibit 4: Joh. Berenberg, Gossler & Co. KG Subpoena
- Exhibit 5: Paul Gilmer Morland Subpoena
- Exhibit 6: Paul Gilmer Morland Letter Rogatory
- Exhibit 7: Northland Capital Partners Limited (previously known as Astaire Securities) Subpoena
- Exhibit 8: Northland Capital Partners Limited (previously known as Astaire Securities) Letter Rogatory
- Exhibit 9: Peel Hunt LLP Subpoena
- Exhibit 10: Email from Paul Morland to Daud Khan (Sep. 5, 2009, 14:25) (Bates labeled as JPMC-AU-DOJ-00008557-68)

- Exhibit 11: Chat Transcript between Daud Khan and Bram Cornelisse (Oct. 12, 2010) (Bates labeled as JPMC-AU-DOJ-00000545-46)
- Exhibit 12: Chat Transcript between Daud Khan and Sherief Bakr (Apr. 28, 2009, 18:24) (Bates labeled as JPMC-AU-DOJ-00006492-98)
- Exhibit 13: Chat Transcript between Daud Khan and Peter McNally (Jan. 25, 2010, 15:30) (Bates labeled as JPMC-AU-DOJ-00000029-31)
- Exhibit 14: Excerpt of Third Witness Statement of Daud Khan, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02932254-57, HP-SEC-02932260)
- Exhibit 15: Excerpt of Daud Khan UK Testimony, Day 14, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02929820-26)
- Exhibit 16: Excerpt of First Witness Statement of Daud Khan, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02929409-411, HP-SEC-02929409)
- Exhibit 17: Daud Khan, "Confessions of an Autonomy Bear," BERENBERG BANK, Mar. 6, 2013 (Bates labeled as MRL00028945-70)
- Exhibit 18: Excerpt of First Witness Statement of Paul Morland, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02929380-82, HP-SEC-02929398)
- Exhibit 19: Email from Robert Binns to Paul Morland (Dec. 6, 2012, 04:03) (Bates labeled as HP-SEC-00634413-15)
- Exhibit 20: Trial Tr. Passim, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal. March 27, 2018)
- Exhibit 21: Trial Tr. Passim, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal. Apr. 13, 2018)
- Exhibit 22: Government's Opening Statement, Transcript of Record, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal. Feb. 26, 2018)
- Exhibit 23: Email from Daud Khan to Vijay Anand (Jan. 27, 2010, 14:03) (Bates labeled as JPMC-AU-DOJ-00002590-92)


- Exhibit 24: Email from Daud Khan to John Gladwyn (May 1, 2009, 15:25) (Bates labeled as JPMC-AU-DOJ-00007033-35)
- Exhibit 25: Email from Paul Morland to Daud Khan and Roger Phillips (Sep. 9, 2009, 16:24) (Bates labeled as JPMC-AU-DOJ-00008089-8105)
- Exhibit 26: Email from Paul Morland to Michael Briest (July 23, 2010, 07:21) (Bates labeled as UBS00000785-86)
- Exhibit 27: Government's Closing Argument, Transcript of Record, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal. Apr. 23, 2018)
- Exhibit 28: Excerpt of Daud Khan UK Testimony, Day 14, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02929820-21, HP-SEC-02929834-40)
- Exhibit 29: Chat Transcript between Bram Cornelisse and Daud Khan (Jan. 11, 2011, 15:51) (Bates labeled as JPMC-AU-DOJ-00000189)
- Exhibit 30: Email from Daud Khan to Paul Morland (July 29, 2009, 14:55) (Bates labeled as JPMC-AU-DOJ-00008346-50)
- Exhibit 31: Excerpt of Paul Morland UK Testimony, Day 13, Autonomy Corp. Ltd. v. Lynch, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02929754-56)
- Exhibit 32: Email from Daud Khan to Paul Morland (Jan. 27, 2009, 15:27) (Bates labeled as JPMC-AU-DOJ-00006632-33)
- Exhibit 33: Email from Daud Khan to Kevin Ashton (Jan. 22, 2010, 11:24) (Bates labeled as JPMC-AU-DOJ-00001097-98)
- Exhibit 34: Email from Paul Morland to Daud Khan and Roger Phillips (Jan. 22, 2010, 13:02) (Bates labeled as JPMC-AU-DOJ-00003280-82)
- Exhibit 35: Email from Daud Khan to Paul Morland, Roger Phillips and Kevin Ashton (Jan. 22, 2010, 12:48) (Bates labeled as JPMC-AU-DOJ-00001484)
- Exhibit 36: Email from Paul Morland to Daud Khan (Sep. 21, 2009, 17:41) (Bates labeled as JPMC-AU-DOJ-00007470-7473)
- Exhibit 37: Email from Daud Khan to David Toms and Paul Morland (May 14, 2009, 09:05) (Bates labeled as JPMC-AU-DOJ-00008108-13)
- Exhibit 38: Email from Daud Khan to Kristopher Drankiewicz (Apr. 16, 2010, 07:44) (Bates labeled as UBS00004376-77)

- Exhibit 39: Email from Daud Khan to Leopold Arminjon (Sep. 8, 2010, 06:00) (Bates labeled as DBSI00015387-88)
- Exhibit 40: Email from Daud Khan to Unknown Recipient (Sep. 8, 2010, 06:00) (Bates labeled as DBSI00007310-12)
- Exhibit 41: Email from Lee Kirbach to Daud Khan and others (Oct. 6, 2010, 10:58) (Bates labeled as TIAA-CAM0006553-55)
- Exhibit 42: Email from Lee Kirbach to Daud Khan and others (Nov. 24, 2010, 11:23) (Bates labeled as TIAA-CAM0015943-44)
- Exhibit 43: Email from Daud Khan to Daud Khan (Jan. 10, 2010, 21:13) (Bates labeled as JPMC-AU-DOJ-00004118)
- Exhibit 44: Email from Daud Khan to Daud Khan (Jan. 18, 2010, 19:13) (Bates labeled as JPMC-AU-DOJ-00003065)
- Exhibit 45: Email from Daud Khan to Michael Lynch (Feb. 6, 2006, 22:35) (received in production as SEC-NX-HP-E-000495461)
- Exhibit 46: Email from Harald Collet to Alex Marshall (Sep. 16, 2011, 14:58) (Bates labeled as AM-GJ-00005988-6001)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I executed this declaration on November 1, 2021, at Los Angeles, California.

DATED: Nov. 1, 2021

Gary S. Lincenberg
Bird, Marella, Boxer, Wolpert, Nessim,
Drooks, Lincenberg & Rhow, P.C.

By: 

Gary S. Lincenberg
Attorneys for Defendant Stephen Keith
Chamberlain